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State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
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Water Users:

GENERAL INFORMATION REGARDING THE STATEMENTS OF WATER DIVERSION AND USE LAW

With certain exceptions, the law requires each person or organization who uses diverted surface water or pumped groundwater from a known subterranean stream during the previous calendar year to file with the State Water Resources Control Board (State Water Board) a Statement of Water Diversion and Use (Statement). This applies to water diverted under claim of riparian right and to appropriations commenced prior to establishment of the permit system in 1914, even if recorded in the county.

If you have an appropriative water right issued by the State Water Board and claim a riparian right for all or part of the diversion, you should file a Statement for the water diverted under your claim of riparian right. A valid riparian claim is a vested right that is superior to any right issued by the State Water Board. Therefore, it is to your advantage to document your riparian claim by filing a Statement for the diversion.

The types of diversion excluded from the requirements of the law are:

- a. Springs that do not flow off the property on which they are located;
- b. Applications, permits, or licenses to appropriate water filed with the State Water Board;
- c. Notices filed with the State Water Board under provisions of the Water Code (commencing with section 4999) requiring recordation of groundwater extractions and diversions in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura;
- d. Diversions regulated by a watermaster appointed by the Department of Water Resources;
- e. Diversions reported by the Department of Water Resources in its annual hydrologic data bulletins;
- f. Diversions included in annual reports filed with a court or with the State Water Board by a watermaster appointed by a court or pursuant to statute to administer a final judgement determining rights to water, which reports identify the persons who have diverted water and give the general place of use and the quantity of water which has been diverted from each source;

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- g. Water right certificates issued by the State Water Board for a stockpond constructed prior to January 1, 1969; and
- h. Groundwater not flowing in a subterranean stream (percolating groundwater).

The Statement should be completed for diversions during a calendar year and should be filed before July 1 of the following year. Supplemental Statements are required at three-year intervals on a prescribed form that will be mailed by the State Water Board to owners of record.

The main purpose of this law is to create a central repository for records of diversion and use of water. This law enables water users to record their diversion and use with the State. It also enables the State Water Board to notify water users of applications by others to appropriate water, which might affect their supply. The information collected is helpful in protecting vested rights of diverters and determining whether unappropriated water exists for new applications. Over a period of years, the filings also provide a valuable record of use.

The information needed for preparation of this Statement is indicated on the enclosed form. Statements should be filed with the State Water Board in duplicate. After the Statement has been received, a Statement Number will be assigned and copy returned for the diverter's record. Future correspondence concerning these Statements should refer to the assigned Statement Number.

If you have any questions, please call the Division of Water Rights at (916) 341-5300. A member of the Division's technical staff will be available for your assistance.